

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CIVIL NO. 3:98CV394

**CALVIN R. LUCKEY, and wife PEGGY G. LUCKEY,)
DONNIE I. BAILEY,)
THEODORE BALLARD, JR.,)
MARGARET BIGHAM, Individually and as Executrix)
of the Estate of ROTHELLE R. BIGHAM, Deceased,)
HAZEL BOONE, Individually and as Executrix of)
The Estate of BILLY H. BOONE, Deceased,)
FLOYD J. BOWMAN,)
WILLIE J. BURT, JR.,)
RONNER BYERS and wife FRANCES BYERS,)
RICHARD ALLEN JONES and wife JUDY ANN)
FINK JONES,)
CLEMENT "RAY" KEENE and wife)
BARBARA JO DEATHERAGE KEENE,)
SYLVIA L. JOHNSON, Executrix of the Estate of)
CLARENCE LUCKEY, SR., Deceased)
JUDY HORNE MARTIN, Individually and as)
Executrix of the Estate of RAY E. MARTIN, Deceased,)
RAYMOND L. MOORE,)
HAZEL B. MULLIS, Individually and as Executrix)
Of the Estate of JERRY R. MULLIS, Deceased,)
JIMMY W. NEAL and wife DOREEN NEAL,)
JOHN A. NOBLE, III and wife, WENDY ROBIN)
HASTINGS NOBLE,)
TONY E. ROGERS, and wife, PATRICIA LaDONNE)
C. ROGERS,)
JAMES AUBREY SAUNDERS and wife)
GEORGIA SMITH SAUNDERS,)
GENE A. SHIRES and wife HELEN SHIRES,)
JOHN WESLEY SMITH and wife BETTY SMITH,)
KENNETH G. SMITH and wife MARGARET SMITH,)
WILLIAM ERNEST SMITH,)
JACKSON J. SMITH and wife CAROLYN S. SMITH,)
ROGER FRANKLIN THOMAS and wife ELLA)
SHINN THOMAS,)
WALTER D. THOMPSON,)
DAVID R. TURNER,)
DAVID R. WHITESIDE, SR., and wife LINDA L.)
WHITESIDE,)
DOROTHY YOUNG, As Administrator of the)**

Estate of Victor E. Yount, Deceased,)
)
Plaintiffs)
v.)
)
AcandS Inc. <i>et al.</i>,)
)
Defendants.)
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ORDER OF DISMISSAL

THIS MATTER is before the Court upon the motion of Georgia-Pacific and Plaintiffs Calvin R. Luckey and wife Peggy G. Luckey, Gene A. Shires and wife Helen Shires, Jackson J. Smith and wife Carolyn S. Smith, Roger Franklin Thomas and Ella Shinn Thomas, Hazel B. Mullis, individually and as Executrix of the Estate of Jerry R. Mullis, deceased, Roger D. Smith and wife Margie P. Smith, and William E. Smith to voluntarily dismiss said Plaintiffs' claims with prejudice as to Defendant Georgia-Pacific Corporation, and the motion of Georgia-Pacific and Plaintiffs Theodore Ballard, Jr., Floyd J. Bowman, Willie J. Burt, Jr., Clement Keene and wife Barbara Jo Deatherage Keene, Judy Horne Martin, individually and as Executrix of the Estate of Ray Martin, deceased, John Wesley Smith and wife Betty M. Smith, Donnie Bailey, Hazel S. Boone, individually and as Executrix of the Estate of Billy Boone, deceased, Raymond Moore, Jimmy W. Neal, Sr. and wife Doreen K. Neal, John A. Noble III and wife Wendy Robin Hastings Noble, Walter D. Thompson, Ronner Byers and wife Frances W. Byers, Richard Allen Jones and wife Judy Ann Fink Jones, Tony E. Rogers and wife Patricia Ladonne C. Rogers, Kenneth G. Smith and wife Margaret Smith, David R. Turner, David R. Whiteside, Sr. and wife Linda L. Whiteside, Dorothy Young, Administrator of the Estate of Victor E. Yount, deceased, and Sylvia L. Johnson, Executrix of the

Estate of Clarence Luckey, Sr., deceased, to voluntarily dismiss said Plaintiffs' claims without prejudice as to Defendant Georgia-Pacific Corporation. Plaintiffs and Georgia-Pacific are requesting the dismissals pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.

Having considered the motions of these Plaintiffs and Defendant Georgia-Pacific,

IT IS, THEREFORE, ORDERED that the claims of Plaintiffs Calvin R. Luckey and wife Peggy G. Luckey, Gene A. Shires and wife Helen Shires, Jackson J. Smith and wife Carolyn S. Smith, Roger Franklin Thomas and Ella Shinn Thomas, Hazel B. Mullis, individually and as Executrix of the Estate of Jerry R. Mullis, deceased, Roger D. Smith and wife Margie P. Smith, and William E. Smith against Defendant Georgia-Pacific Corporation be, and the same hereby are, **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that the claims of Plaintiffs Theodore Ballard, Jr., Floyd J. Bowman, Willie J. Burt, Jr., Clement Keene and wife Barbara Jo Deatherage Keene, Judy Horne Martin, individually and as Executrix of the Estate of Ray Martin, deceased, John Wesley Smith and wife Betty M. Smith, Donnie Bailey, Hazel S. Boone, individually and as Executrix of the Estate of Billy Boone, deceased, Raymond Moore, Jimmy W. Neal, Sr. and wife Doreen K. Neal, John A. Noble III and wife Wendy Robin Hastings Noble, Walter D. Thompson, Ronner Byers and wife Frances W. Byers, Richard Allen Jones and wife Judy Ann Fink Jones, Tony E. Rogers and wife Patricia Ladonne C. Rogers, Kenneth G. Smith and wife Margaret Smith, David R. Turner, David R. Whiteside, Sr. and wife Linda L. Whiteside, Dorothy Young, Administrator of the Estate of Victor E. Yount, deceased, and Sylvia L. Johnson, Executrix of the Estate of Clarence Luckey, Sr., deceased, against Defendant Georgia-Pacific Corporation be, and the same hereby are, **DISMISSED WITHOUT PREJUDICE**.

Signed: February 10, 2007

A handwritten signature in dark ink, appearing to read "L. H. Thornburg", is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

